

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION	No. 2:12-md-02323-AB MDL No. 2323
THIS DOCUMENT RELATES TO: <i>ROY GREEN, et al. v. ARIZONA CARDINALS FOOTBALL CLUB LLC, corporate successor of ST. LOUIS CARDINALS, INC.</i>	Hon. Anita B. Brody No. 1422-CC00005-01, Circuit Court of St. Louis City, State of Missouri

**MEMORANDUM OF LAW IN SUPPORT OF
ARIZONA CARDINALS FOOTBALL CLUB LLC'S MOTION TO INTERVENE**

The Arizona Cardinals Football Club LLC, corporate successor of St. Louis Football Cardinals, Inc. (the "Cardinals"), seeks leave to intervene in MDL No. 2323 for the limited purpose of joining in and adopting the Response of the National Football League and NFL Properties LLC in Opposition to the Motion by Roy Green, *et al.* for Relief from the Stay and Injunction as it Applies to *Green v. Arizona Cardinals Football Club LLC* (the "NFL Response") (Doc. 6117).

Federal Rule of Civil Procedure 24(b) provides that "[o]n timely motion, the court may permit anyone to intervene who: . . . has a claim or defense that shares with the main action a common question of law or fact." Permissive intervention under Rule 24(b) is at the court's discretion and is appropriate where, in addition to commonality of questions of law or fact, the requested intervention will not unduly delay or prejudice the rights of the original parties. *Pereira v. Foot Locker, Inc.*, 07-CV-2157, 2009 WL 4673865, at *5 (E.D. Pa. Dec. 7, 2009).

On July 7, 2014, this Court issued an injunction as part of its order granting preliminary approval of the proposed Class Action Settlement, Doc. No. 6084 (the “Order”), enjoining Settlement Class Members from “continuing to prosecute . . . a Related Lawsuit . . . against Released Parties” until the Class Action Settlement is terminated or final approval is granted.¹ (Order at ¶ 6.) It is undisputed that the *Green* Plaintiffs are Settlement Class Members, that the Cardinals is a Released Party and that the *Green* action pending in Missouri state court, wherein the *Green* Plaintiffs allege the same common law tort and negligence-based causes of action for the same purported physical injuries against the Cardinals as they do against the NFL in MDL No. 2323 (*see* NFL Response at 4), is a Related Lawsuit. It also is undisputed that the *Green* action is enjoined under the plain language of this Court’s injunction. The *Green* Plaintiffs filed a motion in this Court for relief from the injunction on July 15, 2014.

Resolution of the *Green* Plaintiffs’ motion directly impacts the Cardinals. The intervention of the Cardinals will in no way unduly delay or prejudice the rights of the original parties to MDL No. 2323. Because the Cardinals’ position is the same as that of the NFL and NFL Properties and because the Cardinals will be directly impacted by the Court’s decision on the *Green* Plaintiffs’ motion, this Court should grant the instant motion for permissive intervention pursuant to Rule 24(b) for the limited purpose of joining in the NFL Response.

In satisfaction of Federal Rule of Civil Procedure 24(c), the Cardinals attach as Exhibit A the NFL Response, and adopt the positions and arguments set forth therein that the Court should

¹ Except where otherwise noted, the capitalized terms in this Response have the same meaning as those in the Class Action Settlement Agreement. *See* Class Action Settlement Agreement dated as of June 25, 2014, MDL 2323, 12-md-02323, Doc. No. 6073-2 (E.D. Pa.) (“Settlement Agreement”).

deny the *Green* Plaintiffs' motion without hearing or oral argument pursuant to Local Rule 7.1(f).

Dated: August 1, 2014

Respectfully submitted,

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Certificate of Service

On August 1, 2014, I electronically filed a copy of the foregoing document through the CM/ECF system for the United States District Court for the Eastern District of Pennsylvania, which will send a notice of electronic filing to all counsel of record and make it available for viewing and downloading from the CM/ECF system.

/s/ Brad S. Karp

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